

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/27/15	NEED RESPONSE BY: 8/7/15
2. REQUESTOR NAME: Scott Neeri	6. COUNTY/ORGANIZATION: San Bernardino	
3. PHONE NO.: (909) 383-9890	7. SUBJECT: Modified Categorical Eligibility	
4. REGULATION CITE(S): CFR §273.2(j)(2)(vii); CFR §273.21	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN 1_50-13, ACWDL 6/30/14, MMP 63-301.742 (QR), ACL 15-42.	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

ACIN I-50-13 and ACWDL 6/30/14 state "Non-assistance CalFresh households that have been approved for CalFresh as MCE/BBCE are subject to the same conditions that result in ineligibility as all other Categorically Eligible (CE) households." One of the scenarios in which a household is not CE is when the household fails to comply with reporting requirements. MMP 63-301.742 (QR) states a household is not CE if it fails to comply with the Quarterly Reporting (QR) requirements (specified in Sections 63-508.4 and .613). However, ACL 15-42 does not include the reporting requirements scenario under sanctioned individuals.

CFR § 273.2(j)(2)(vii) states "Under no circumstances shall any household be considered categorically eligible if: (A) Any member of that household is disqualified for an intentional program violation in accordance with §273.16 or for failure to comply with monthly reporting requirements in accordance with §273.21."
 (See reverse side)

10. REQUESTOR'S PROPOSED ANSWER:

According to CFR § 273.2(j)(2)(vii) and §273.2, the failure to comply with reporting requirements applies only to MRRB households. Since this reporting type is not used in California, a failure to comply with reporting requirement will not effect a household's MCE status. The case record, therefore, is not required to be documented with a removal of MCE prior to case termination for failing to comply with reporting requirements.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Failure to comply with reporting requirements whether semi annual or change reporting etc., results in CalFresh Program ineligibility. If a household were already conferred MCE, the case would be discontinued. MCE withdrawn. The file would be documented and the termination would require the normal timely and adequate notice. Reporting is a condition of eligibility according to the Food Stamp Act 2008 Sec. 6. Since failure to comply results in discontinuance, remove MCE, document the file, and terminate the case with timely and adequate notice.

Reference:

SNAP Administrative Notice, dated December 22, 2009, Question and Answer #17
 Section 6, 7 U.S.C. 2015.

FOR CDSS USE

DATE RECEIVED:

July 31, 2015

DATE RESPONDED TO COUNTY/ALJ:

August 12, 2015

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST:	NEED RESPONSE BY:
	6. COUNTY/ORGANIZATION:	
	7. SUBJECT:	
2. REQUESTOR NAME: 3. PHONE NO.: 4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

County Question Continued (CF 24 section #9):

§273.21 contains information on Monthly Reporting and Retrospective Budgeting (MRRB).

- Does a failure to comply with Semi-Annual Reporting (SAR) or Change Reporting (CR) requirements result in the household not being conferred Modified Categorical Eligibility (MCE)?

#2 (only needed if failure to comply with reporting requirements does result in a household not being conferred MCE)
ACL 15-42 emphasizes that "the removal of MCE status must be documented in the case record before the case can be terminated for exceeding the CalFresh gross income limit with timely and adequate notice." It is not clear if the MCE status must be removed prior to terminating the case if the household fails to comply with reporting requirements.

- If failure to comply with reporting requirements does result in a loss of MCE, does this have to be documented in the case record prior to case termination?

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